

## **REMARKS**

### **Drawings**

The Examiner has objected to the drawings by suggesting that reference character 10 has been used to designate both the sheet and the blanket. Applicant respectfully disagrees. As set forth in the specifications, the *frost blanket 10* includes *a sheet of material 12*. See Application, page 4, line 1. Therefore, the sheet 12 is part of the blanket 10. The figures adequately reflect this relationship by the use of an arrow to generally indicate the blanket 10 and by the superimposing and underlining of the numeral 12 on the sheet. Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

### **Claim Objections**

The Examiner has objected to claims 14 and 20 as being duplicate claims. Claim 20 has been cancelled. The Examiner also objected to the use of the term “method” in claims 17 and 19 on the basis that those claims depend from an apparatus claim. Claim 19 has been cancelled. Claim 17 has been amended to delete the term “method” and insert the term “cover.”

### **Claim Rejections**

In the Office Action, the Examiner rejected claims 1-5 and 8-11 under 35 U.S.C. 102(b) as anticipated by GB 2311923. Claims 6, 13 and 15-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over the ‘923 reference. Claims 7, 14 and 20 were also rejected under 103(a) as being unpatentable over the ‘923 reference and U.S. 5,058,317. Finally, claims 12 and 19 were rejected under 35 U.S.C 103(a) as being unpatentable over the ‘923 reference in view of JP 355 09 3751.

As amended, the claims recite that the piping extends continuously around the entire perimeter edge and into the interior area of the sheet. See, e.g., Figure 4. Weighting of the

blanket around its entire perimeter has the advantage of decreasing the likelihood of wind, rain, or other elements lifting the blanket out of position. Furthermore, by extending the weighted piping into the interior of the blanket beds of vegetation that are displaced from the perimeter edge of the blanket are still offered protection from the elements in the event the perimeter edge is lifted or otherwise moved to expose vegetation placed nearer the edge.

The feature of using a blanket having weighted piping that extends around the entire perimeter for use in the protection of vegetation is not shown or described in the art. U.S. Patent No. 5,058,317 comes close, however, the edge of the slit 22 remains unprotected and susceptible to being blown off or otherwise affected by adverse weather conditions. Applicant also respectfully disagrees with the Examiner's characterization of the Japanese '751 reference. In the '751 reference, the weights are positioned at each end of a flexible rod-type body 3. As best shown in Figure 4 of the '751 reference, the weights do not extend into the interior of the blanket and are limited to placement along the perimeter. Accordingly, the '751 reference would not be effective at protecting multiple beds of vegetation.

Therefore, in view of the above remarks, Applicant submits that the claims are now in proper form for allowance. Such action is respectfully requested.

Respectfully submitted,



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